IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO.5598 OF 2005
IN
CRIMINAL APPEAL NO.315 OF 2005

Ashraf Shaikh Abdul Kadar Shaikh Applicant

Vs.

The State of Maharashtra Respondent

Mr.Rajendra Bidkar h/f Mr.Ayaz Khan for applicant.
Mr.D.R.More, APP for State.

CORAM: S.S.PARKAR & ANOOP V. MOHTA,JJ.

September 22, 2005.

P.C.:

. It is contended on behalf of the applicant that the applicant was found in possession of five currency notes of Rs.100/- denomination. It is argued that the applicant has been wrongly convicted for offence under Section 489-B of IPC, though there is no evidence of using the counterfeit currency notes against him. On behalf of the State the learned APP states that there is evidence of possession against him which is punishable under Section 489-C of IPC where the maximum sentence is of seven years which is imposed on the applicant. The applicant is also convicted for offence under Section 489-B of IPC i.e. for using as genuine the counterfeit notes and sentenced to life imprisonment.

The learned APP does not dispute that there is no evidence of using the counterfeit notes against the applicant. Though the charge was also framed under Section 120-B of IPC, the accused has been acquitted of the said charge. Undisputedly the applicant was on bail during trial and there is no allegation of misuse against him. In the aforesaid circumstances this applicant can be released on bail by putting conditions on him.

. In the result, this application is allowed and the applicant is directed to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the amount on condition that he shall report to the concerned police station once in a month.

(S.S.PARKAR,J.)

(ANOOP V. MOHTA,J.)